

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM JOE SALANDER,

Plaintiff,

Case No. 12-11378

v.

Hon. John Corbett O'Meara

GRATIOT COUNTY CIRCUIT COURT,

Defendant.

**ORDER GRANTING APPLICATION TO PROCEED
IN FORMA PAUPERIS AND DISMISSING COMPLAINT**

Plaintiff, appearing pro se, filed his complaint and an application to proceed *in forma pauperis* on March 27, 2012. The court finds Plaintiff's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Plaintiff's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6th Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if the court finds that it is "(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

In order to state a claim upon which relief may be granted, "a complaint must contain either direct or inferential allegations respecting all the material elements to sustain a recovery under some viable legal theory." Advocacy Org. for Patients & Providers v. Auto Club Ins.

Ass'n, 176 F.3d 315, 319 (6th Cir. 1999) (internal quotation marks omitted). “[E]ven though a complaint need not contain ‘detailed’ factual allegations, its ‘factual allegations must be enough to raise a right to relief above the speculative level on the assumption that all the allegations in the complaint are true.’” Association of Cleveland Fire Fighters v. City of Cleveland, Ohio, 502 F.3d 545, 548 (6th Cir. 2007) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)).

Plaintiff’s complaint is conclusory and devoid of factual allegations sufficient to support a claim for relief. Accordingly, Plaintiff has failed to state a claim upon which relief may be granted and the court must dismiss Plaintiff’s complaint.

SO ORDERED.

s/John Corbett O’Meara
United States District Judge

Date: May 4, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 4, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager